

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 974**  
**90TH GENERAL ASSEMBLY**

Reported from the Committee on Public Health, May 3, 2000, with recommendation that the House Committee Substitute for Senate Bill No. 974 Do Pass.

ANNE C. WALKER, Chief Clerk

4233L.04C

**AN ACT**

To repeal sections 191.211, 191.411 and 192.070, RSMo 1994, and sections 92.031 and 332.311, RSMo Supp. 1999, and to enact in lieu thereof eight new sections relating to hospital and dental services and devices.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 191.211, 191.411 and 192.070, RSMo 1994, and sections 92.031 and 332.311, RSMo Supp. 1999, are repealed and eight new sections enacted in lieu thereof, to be known as sections 92.031, 191.211, 191.213, 191.411, 192.070, 332.086, 332.311 and 332.324, to read as follows:

92.031. 1. Such cities may, in the alternative **to imposing the levies for debt service and for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes as provided for in section 92.030**, elect by ordinance to levy and impose an annual tax for debt service [which tax levy shall be in addition to and independent of the tax levy] **and an annual tax** for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes [provided for] **such as are referred to in subdivisions (1), (2) and (3) of subsection 2 of section 92.030, which tax levies shall be independent of any other tax levies provided for in section 92.030.**

2. In the event such cities make such election, **the limits on individual and total annual tax levy [rate for debt service] rates** referred to in subdivisions (1), (2) and (3) of subsection 2 of section 92.030 [shall be treated as zero for the purpose of calculating the additional tax levy rate authorized] **for debt service and** for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes **shall not apply.** [Such authorized rate] **The tax levy rate for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes** may be increased from its current rate to a rate not to exceed one dollar per hundred dollars assessed valuation by submission to and approval by a vote of the people.

191.211. State expenditures for new programs and initiatives enacted by sections [191.411, RSMo, and sections] 103.178, RSMo, 143.999, RSMo, [167.600 to 167.621, RSMo,] 188.230, RSMo, 191.211, 191.231, 191.825 to 191.839, RSMo, 192.013, RSMo, 208.177,

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

208.178, 208.179 and 208.181, RSMo, 211.490, RSMo, 285.240, RSMo, 337.093, RSMo, 374.126, RSMo, 376.891 to 376.894, RSMo, 431.064, RSMo, 660.016, 660.017 and 660.018, RSMo, and the state expenditures for the new initiatives and expansion of programs enacted by revising sections 105.711 and 105.721, RSMo, 191.520, 191.600, 198.090, RSMo, 208.151, 208.152 and 208.215, RSMo, as provided by H.B. 564, 1993, shall be funded exclusively by federal funds and the funding sources established in sections 149.011, 149.015, 149.035, 149.061, 149.065, 149.160, 149.170, 149.180, 149.190 and 149.192, RSMo, and no future general revenue shall be appropriated to fund such new programs or expansions.

**191.213. State expenditures for programs and initiatives enacted by section 191.411 and sections 167.600 to 167.621, RSMo, may be funded by federal funds, general revenue funds and any other funds appropriated to fund such programs.**

191.411. 1. The director of the department of health shall develop and implement a plan to define a system of coordinated health care services available and accessible to all persons, in accordance with the provisions of this section. The plan shall encourage the location of appropriate practitioners of health care services, **including dentists**, in areas of the state designated by the director of the department of health as health resource shortage areas, in return for the consideration enumerated in subsection 2 of this section. The department of health shall have authority to contract with public and private health care providers for delivery of such services.

2. There is hereby created in the state treasury the "Health Access Incentive Fund". Moneys in the fund shall be used to implement and encourage a program to fund loan repayments, start-up grants, provide locum tenens, professional liability insurance assistance, practice subsidy, annuities when appropriate, or technical assistance in exchange for location of appropriate health providers, **including dentists**, who agree to serve all persons in need of health services regardless of ability to pay. The department of health shall encourage the recruitment of minorities in implementing this program.

3. In accordance with an agreement approved by both the director of the department of social services and the director of the department of health, the commissioner of the office of administration shall issue warrants to the state treasurer to transfer available funds from the health access incentive fund to the department of social services to be used to enhance medicaid payments to physicians or dentists in order to enhance the availability of physician or dental services in shortage areas. The amount that may be transferred shall be the amount agreed upon by the directors of the departments of social services and health and shall not exceed the maximum amount specifically authorized for any such transfer by appropriation of the general assembly.

4. The general assembly shall appropriate money to the health access incentive fund from the health initiatives fund created by section 191.831. The health access incentive fund shall also contain money as otherwise provided by law, gift, bequest or devise. Notwithstanding the provisions of section 33.080, RSMo, the unexpended balance in the fund at the end of the biennium shall not be transferred to the general revenue fund of the state.

5. The director of the department of health shall have authority to promulgate reasonable rules to implement the provisions of this section pursuant to chapter 536, RSMo, and section 192.013, RSMo.

192.070. The bureau of child hygiene in the department of health shall issue educational literature on the care of the baby and the hygiene of the child **including, but not limited to, the**

**importance of routine dental care for children;** study the causes of infant mortality and the application of measures for the prevention and suppression of the diseases of infancy and childhood; and inspect the sanitary and hygienic conditions in public school buildings and grounds.

**332.086. 1. There is hereby established a five-member "Advisory Commission for Dental Hygienists", composed of dental hygienists appointed by the governor as provided in subsection 2 of this section and the dental hygienist member of the Missouri dental board, which shall guide, advise and make recommendations to the Missouri dental board. The commission shall:**

- (1) Recommend the educational requirements to be registered as a dental hygienist;**
- (2) Annually review the practice act of dental hygiene;**
- (3) Make recommendations to the Missouri dental board regarding the practice, licensure, examination and discipline of dental hygienists; and**
- (4) Assist the board in any other way necessary to carry out the provisions of this chapter as they relate to dental hygienists.**

**2. The members of the commission shall be appointed by the governor with the advice and consent of the senate. Each member of the commission shall be a citizen of the United States and a resident of Missouri for one year and shall be a dental hygienist registered and currently licensed pursuant to this chapter. Members of the commission who are not also members of the Missouri dental board shall be appointed for terms of five years, except for the members first appointed, one of which shall be appointed for a term of two years, one shall be appointed for a term of three years, one shall be appointed for a term of four years and one shall be appointed for a term of five years. The dental hygienist member of the Missouri dental board shall become a member of the commission and shall serve a term concurrent with the member's term on the dental board. All members of the initial commission shall be appointed by April 1, 2001. Members shall be chosen from lists submitted by the director of the division of professional registration. Lists of dental hygienists submitted to the governor may include names submitted to the director of the division of professional registration by the president of the Missouri Dental Hygienists Association.**

**3. The commission shall hold an annual meeting at which it shall elect from its membership a chairperson and a secretary. The commission shall meet in conjunction with the dental board meetings or no more than fourteen days prior to regularly scheduled dental board meetings. Additional meetings shall require a majority vote of the commission. A quorum of the commission shall consist of a majority of its members.**

**4. Members of the commission shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties on the commission and in attending meetings of the Missouri dental board. The Missouri dental board shall provide all necessary staff and support services as required by the commission to hold commission meetings, to maintain records of official acts, and to conduct all other business of the commission.**

**332.311. 1. Except as provided in subsection 2 of this section, a duly registered and currently licensed dental hygienist may only practice as a dental hygienist so long as the dental hygienist is employed by a dentist who is duly registered and currently licensed in Missouri, or as an employee of such other person or entity approved by the board in accordance with rules**

promulgated by the board. In accordance with this chapter and the rules promulgated by the board pursuant thereto, a dental hygienist shall only practice under the supervision of a dentist who is duly registered and currently licensed in Missouri, **except as provided in subsection 2 of this section.**

**2. A duly registered and currently licensed dental hygienist who has been in practice at least three years and who is practicing in a public health setting may provide fluoride treatments, teeth cleaning and sealants, if appropriate, to children who are eligible for medical assistance, pursuant to chapter 208, RSMo, without the supervision of a dentist. At no less than seventy-five percent of the usual and customary charge, as established by the division of medical services by rule, medicaid shall reimburse any dental hygienist or dentist who provides fluoride treatments, teeth cleaning, and sealants to eligible children, and any pediatrician who provides fluoride treatments to eligible children. Those public health settings in which a dental hygienist may practice without the supervision of a dentist shall be established jointly by the department of health and by the Missouri dental board by rule. This provision shall expire on August 28, 2005.**

**332.324. 1. The department of health may contract with the Missouri dental board to establish a donated dental services program, in conjunction with the provisions of section 332.323, through which volunteer dentists, licensed by the state pursuant to chapter 332, will provide comprehensive dental care for needy, disabled, elderly and medically-compromised individuals. Eligible individuals may be treated by the volunteer dentists in their private offices. Eligible individuals may not be required to pay any fees or costs, except for dental laboratory costs.**

**2. The department of health shall contract with the Missouri dental board, its designee or other qualified organizations experienced in providing similar services or programs, to administer the program.**

**3. The contract shall specify the responsibilities of the administering organization which may include:**

**(1) The establishment of a network of volunteer dentists including dental specialists, volunteer dental laboratories and other appropriate volunteer professionals to donate dental services to eligible individuals;**

**(2) The establishment of a system to refer eligible individuals to appropriate volunteers;**

**(3) The development and implementation of a public awareness campaign to educate eligible individuals about the availability of the program;**

**(4) Providing appropriate administrative and technical support to the program;**

**(5) Submitting an annual report to the department that:**

**(a) Accounts for all program funds;**

**(b) Reports the number of individuals served by the program and the number of dentists and dental laboratories participating as providers in the program; and**

**(c) Reports any other information required by the department;**

**(6) Performing, as required by the department, any other duty relating to the program.**

**4. The department shall promulgate rules, pursuant to chapter 536, RSMo, for the implementation of this program and for the determination of eligible individuals.**